

EXHIBIT A

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA

4 v.

10 Cr. 228 (LTS)

5 DANIEL BONVENTRE,
6 JEROME O'HARA,
7 GEORGE PEREZ,
ANNETTE BONGIORNO,
JOANN CRUPI,

Jury Trial

8 Defendants.

9 -----x

New York, N.Y.
December 16, 2013
9:10

10
11 Before:

12 HON. LAURA TAYLOR SWAIN

13 District Judge

14
15 APPEARANCES

16
17 PREET BHARARA
United States Attorney for the
18 Southern District of New York
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1 Q. Is there not a transaction number assigned to that
2 transaction?

3 A. There is.

4 Q. That number is 86467, correct?

5 A. There is, yes.

6 Q. Right below that there is a transaction date of September
7 29th. Do I read that correctly?

8 A. Yes.

9 Q. If we look over, that relates to a transaction in the
10 shares of Novell, Inc., correct?

11 A. Correct.

12 Q. There is also a transaction number associated with that
13 transaction, am I right?

14 A. Yes, sir.

15 Q. That transaction number is 86466, one digit earlier than
16 the Microsoft transaction, correct?

17 A. That is correct.

18 Q. You mentioned a moment ago ACF Corporation or ACF Services
19 Corporation. Your understanding was that that was some kind of
20 pension account, correct?

21 A. That was my understanding, yes.

22 Q. That was a pension account that you associated with Jeffrey
23 Picower in some way, correct?

24 A. That is correct.

25 Q. You were not directly involved in the day-to-day management

1 of that account, is that correct?

2 A. Not at all.

3 Q. But you did overhear discussions about that account between
4 Mr. Madoff and Ms. Bongiorno, is that correct?

5 A. I did.

6 Q. As I think you told it to us, you overheard Bernie Madoff
7 stating that he did not like the complexion of the account,
8 correct?

9 A. That was my understanding, yes.

10 Q. He wanted it to look differently than it looked at the time
11 he made this observation, correct?

12 A. Yes, sir.

13 Q. He wanted the account to be stated in T-bills or have
14 T-bills in it rather than simply securities, correct?

15 A. That was my understanding, yes.

16 Q. I think Government Exhibit 304A is in evidence, is that
17 correct?

18 THE COURT: That 300-4A?

19 MR. RIOPELLE: Yes, 300-4A. Could we display that
20 one, please.

21 Q. You were involved in this transaction or in this revision
22 of these account statements in that you supplied information to
23 Ms. Bongiorno about T-bills for her to put in these account
24 statements, correct?

25 A. Treasury notes and treasury bills, yes.

1 Q. This statement is one of the statements that shows treasury
2 bills in the account, is that right?

3 A. Among other things, yes.

4 Q. This statement would be one of the statements that was
5 prepared to change the complexion of the account, as Mr. Madoff
6 stated, correct?

7 A. I believe it is the second generation of statement on this
8 account, yes.

9 Q. You described this as a pension type account?

10 A. Yes.

11 Q. I think you told us that your understanding, and you are
12 not necessarily a pension expert but you know a little bit
13 about pensions, was that a pension plan of this kind was a pool
14 of money that had been earmarked to pay the retirement funds of
15 typically employees or something like that. Do you remember
16 saying that?

17 A. Yes.

18 Q. I would like to show you now what's been marked Defendant's
19 Exhibit AB-10 in evidence. Mr. DiPascali, at the time you were
20 working on the ACF Services Corporation pension plan
21 statements, were you aware that Jeffrey and Barbara Picower
22 were the only beneficiaries of that pension?

23 A. No, I wasn't.

24 Q. That is a fact that Mr. Madoff did not share with you,
25 correct?